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**MAYOR AND COUNCIL
WORK SESSION/COUNCIL MEETING
BOROUGH HALL ANNEX
JULY 17, 2006
7:30pm**

A Work Session of the Mayor and Council of the Borough of Leonia, Bergen County, New Jersey was held this evening in the Borough Hall Annex at 7:30 pm.

Council Present *Mayor Laurence Cherchi, Councilpersons Hawkins, Heveran, Mitrani, Raucci, Ryan, Puzzo*

Council Absent

Council Present *Fran Lehmann, Borough Clerk, Brian Giblin Borough Attorney*

Mayor Cherchi called the meeting to order.

Mayor Cherchi asked everyone to stand while Council President Puzzo led in the Pledge of Allegiance.

Mayor Cherchi pointed out the Fire Exit.

OPEN MEETING STATEMENT

Conditions of the Open Meeting Act have been met by Notice placed on the Bulletin Board at Borough Hall and notice has been sent to the Official Newspaper.

APPROVAL OF MINUTES

Council Meeting Minutes – June 19, 2006 – Councilman Ryan questioned the noting of Resolution 06- 182 in the minutes. The Borough Clerk explained that the adopted minutes, when placed in the minute book must have all the resolutions in them. Council President Puzzo made a motion to approve the Minutes of June 19, 2006, seconded by Councilwoman Heveran. Roll call vote; Councilpersons Hawkins, Heveran, Mitrani, Raucci and Puzzo voted yes, Councilman Ryan voted no. Minutes approved.

Closed Session Minutes – June 19, 2006 – Councilwoman Heveran made a motion to approve the Closed Session Minutes of June 19, 2006, seconded by Councilman Raucci. Roll call vote; all in favor none opposed. Minutes approved.

Council Meeting Minutes – June 26, 2006 – Councilwoman Heveran made a motion to approve the minutes of June 26, 2006 seconded by Council President

47 Puzzo. Roll call vote; Councilpersons Hawkins, Heveran, Raucci, Ryan and
48 Puzzo voted yes. Councilwoman Mitrani abstained she was absent for the
49 meeting.
50

51 **Closed Session Minutes – June 26, 2006** – Council President Puzzo made a
52 motion to approve the Closed Session Minutes of June 26, 2006, seconded by
53 Councilman Hawkins. Roll call vote; Councilpersons Hawkins, Heveran, Raucci,
54 Ryan and Puzzo voted yes. Councilwoman Mitrani abstained she was absent for
55 the meeting.
56

57 **COMMENTS FROM THE PUBLIC**
58

59 Deidre Mitchell, 156 Spring Street – Ms. Mitchell brought to the attention of the
60 Governing Body an issue of a commercial truck running a generator at night
61 across the street from her home.
62

63 **PRESENTATIONS - Chief Jay Zeigler** – Chief Ziegler responded to Ms.
64 Mitchell's letter. Chief Ziegler stated that the officers have been investigating the
65 situation. Chief Ziegler suggested that Mrs. Mitchell call the police department
66 when the truck is in the driveway and operating.
67

68 Councilman Hawkins has made several complaints regarding vehicles being
69 parked on Borough owned park property on Station Parkway. There is a car
70 carrier that parks on Station Parkway. Councilman Hawkins inquired of the truck
71 driver what he was doing. The driver told him he was washing the cars. The
72 vehicles were being off loaded onto the area behind the batting cage of the
73 baseball field. He drives them through the used car lot across the street to the car
74 wash and then back through and puts them back on the transport. Chief Ziegler
75 stated Sgt. Jones has discussed this with him. Neither of them was aware that the
76 vehicles were being stored on Borough property. Chief Ziegler reported that Sgt.
77 Jones has made arrangements to have the truck park somewhere else and not on
78 Station Parkway while having the cars washed. Mayor Cherchi questioned where
79 the property is located. Councilman Hawkins explained.
80

81 Council President Puzzo commended the Police Department on outstanding job
82 they did during the carnival held by the Sports Boosters. Sgts. Tamagny and Jones
83 did an outstanding job coordinating the Police effort between Leonia the County
84 and the Sheriffs Department. There was only one minor incident that they handled
85 very well. Council President Puzzo asked if there any feedback from the
86 Department. Mayor Cherchi inquired if there was any overtime incurred. Chief
87 Ziegler said yes about \$6,000. Councilman Raucci also commended the Police
88 Department, Ambulance, Fire Department, Fire Inspectors, Department of Public
89 Works for their clean up of the Park. Many residents made positive comments.
90 Councilman Raucci noted to all assembled that the final numbers were not yet
91 available but enough money has been realized to finish the Field House.

92 Councilman Ryan inquired about the status of the Park Ranger. Chief Ziegler
93 stated they had someone ready for appointment this evening. It is on the agenda in
94 Closed Session for discussion. Chief Ziegler handed out a resolution to the
95 members of the Governing Body regarding the appointment of a Park Ranger.
96 Councilman Ryan asked about a memo he received from Chief Ziegler regarding
97 vacation time. Chief Ziegler noted that he was told he was directed to use his
98 vacation before they expire. Chief Ziegler explained the procedure of the
99 Department. Chief Ziegler also explained why he wanted to hold the remaining
100 days from 2005 past the end of June.

101
102 **Radio Communications Experts** Robert Greenlaw and Matt Fink - Chief Dunn
103 introduced the gentlemen. Mr. Mazucca also joined the gentlemen. Mayor
104 Cherchi explained to the public why the information was requested. Mr. Fink
105 reviewed the plan they presented to the Governing Body. Councilman Ryan
106 inquired about the ability to transfer phone numbers from one carrier to another.
107 Mr. Fink assured him this was doable with the system they are proposing.
108 Councilman Hawkins asked if a PBX system would require someone to maintain
109 the system. Mr. Fink explained that PBX is virtually maintenance free unless you
110 get into programming. Once the system in place and programmed it virtually
111 maintenance free. Councilman Hawkins asked what happens if the system goes
112 “down”? Mr. Fink explained the back-up plan for the system. Councilwoman
113 Mitrani stated she was under the impression that there were always two
114 dispatchers on the desk at all times. Mr. Fink explained that there is only one and
115 the procedure occurs during a “911” call. Councilwoman Mitrani inquired if
116 Borough Hall’s phone system could be updated at the same time the Police
117 Department is being done? Mr. Fink assured her this could be done at the same
118 time. Mr. Fink explained the costs of PBX. Councilman Hawkins inquired the life
119 span of PBX? Mr. Fink stated it will last 10-15 years. Mr. Greenlaw noted that the
120 system he installed 15 years ago is still operating with no plans to have it
121 changed. Council President Puzzo asked if PBX is upgradeable to IP? Mr. Fink
122 explained the process. Mr. Mazucca questioned various components of the
123 recommendations made by the Mr. Greenlaw and Mr. Fink. Mr. Greenlaw and
124 Mr. Fink continued to explain their recommendations to the Governing Body.
125 Chief Dunn thanked the Mr. Greenlaw and Mr. Fink for their time and effort.
126 Chief Dunn reminded the Governing Body that it has been four months since the
127 system failed. These two gentlemen found more problems than was known from
128 the start. They have done a through job of evaluating and making
129 recommendations to repair what is necessary to get the system up and running.
130 Chief Ziegler had no objections to the proposal. Councilwoman Heveran asked
131 Dispatcher Schmidt’s to comment on the proposal. Ms. Schmidt stated listening to
132 a scanner and radio is two different things. The Dispatchers cannot hear the
133 officers around the corner. It is a serious situation we cannot hear the officers and
134 things need to be repaired before someone is injured. Mayor Cherchi asked for
135 the Councils comments on the presentation. Councilman Hawkins thanked both of
136 the gentlemen for coming the report is obviously very in depth. Councilman
137 Hawkins feels we need to do whatever it takes to get the system back-up and on

line. Council President Puzzo is pleased with the proposal and hopes all of the issues have been brought to light. The necessary infrastructure needs to be put in place that will be functional for years to come. Council President Puzzo thanked the gentlemen for their work on the proposal. Council President Puzzo thanked Mr. Mazucca for his comments.

Councilman Raucci thanked both men for their presentation. It is very obvious what needs to be done.

REPORTS

Standing Committees

Finance Administration & Personnel – Councilwoman Heveran reported that an ad has been placed for Borough Administrator. Approximately 20 resumes have been received most of which do not meet the requirements of the Borough. The Committee will meet and start interviews shortly of those the Committee wishes to meet with and then have them meet with the Council.

Laws & Ordinances – Nothing to report. Councilwoman Mitrani would like to meet to discuss the Ordinance that is on for introduction. Council President explained that it was put on for discussion and he saw no reason to change it. It can be discussed this evening.

Police – Nothing to report

Fire – Reported there were 29 incidents for the month. Councilwoman Heveran commended the Fire Department for the work they did on the Communications Equipment.

Ambulance Councilman Raucci spoke about the maintenance agreement proposed for the generator. Mayor Cherchi thought it was included in the bid. The Borough Clerk explained that after Councilwoman Mitrani inquired about a maintenance agreement at the last meeting, she called the company and spoke to the representative regarding a maintenance agreement. The representative stated it was not part of the agreement that it is a separate contract. Borough Attorney Giblin stated there is a two year warranty but you do need to maintain the generator.

Public Works – Nothing to report

Real Estate and Insurance – Councilman Hawkins brought up a piece of property that had been discussed previously. The property owner wanted to give the property back to the Borough and he has done so. Mr. Giblin will explain what can be done with the property. There is also a piece of property on Fort Lee Road. There will be a meeting on this and insurance issues as well.

Borough Administrator – The Borough Clerk reported that the COAH reports have not been completed and they need to be turned into the State by August 25. The members of the Governing Body instructed the Borough Clerk to have the Borough Administrator complete the reports.

Mayor – Mayor Cherchi reported on a notice of a 100 foot building to be erected on the corner of Fort Lee Road and Rte. 46. Mayor Cherchi would like the item be included under New Business.

Mayor Cherchi reported on a complaint from a business on Leyland Drive regarding the condition of the street. This street needs to be included on the list of repairs.

Special Bodies of the Borough - Councilman Hawkins reported on two symposiums on alternative fuels. Perhaps we can save some money by changing the trucks to bio-diesel. The other symposium was on sustainability.

RESOLUTIONS

Council President Puzzo made a motion seconded by Councilwoman Heveran to approve Resolution 06-185, – 06-194, 06-196, Roll call vote; Councilpersons Hawkins, Heveran, Mitrani, Raucci, Ryan and Puzzo voted yes. Resolutions approved.

Councilwoman Mitrani questioned Resolution 06-185. Mayor Cherchi stated the grant shows more hardscape than landscape. The Borough Clerk explained the procedure regarding the project needs to be bid and the soft costs. All plans have to be approved by the County before they are bid.

Resolution 06-195 – Council President Puzzo asked why we are having a change order. The Borough Clerk explained the need for the change order. Council President Puzzo suggested sharing the office with the Mayor and Council. Councilwoman Heveran inquired the amount of space that would be required for the Assessor and would this space be enough to hold all of the files for the Assessor? Councilman Raucci looked at the plans to ascertain if the proposed areas were the same size. Councilman Hawkins also explained that the meeting a suggestion besides the wall in finance was to add a larger customer window for serving the public during tax quarters. Councilman Hawkins brought to the attention of the Governing Body, that the expense of moving the employees at Borough Hall was not included in the grant. This is an expense that goes above and beyond. The Borough Clerk explained to the Governing Body what was discussed at the Department Heads meeting regarding the relocation of employees. The Governing Body discussed the issue and put it on the agenda for

the next meeting. Councilman Raucci questioned why the Governing Body did not have prior knowledge of locating the employees during renovations. The Council directed the Borough Clerk to have the Borough Administrator write a memo with the plan for moving the employees.

Resolution 06-197 – Councilwoman Heveran made a motion to approve Resolution 06-197, seconded by Council President Puzzo. Roll call vote all in favor none opposed.

INTRODUCTION OF ORDINANCES

Introduction of Ordinance 12-06 entitled:

AN ORDINANCE LIMITING THE LOCATION OF PREMISES WHICH MAY SELL ALCOHOLIC BEVERAGES.

This Ordinance was not introduced but sent to Laws and Ordinances for review and discussion.

A motion was made by Councilperson _____ seconded by Councilperson _____ to approve on first reading Ordinance 12-06

ROLL CALL Councilperson Hawkins (), Heveran (), Mitrani (), Raucci (), Ryan (), Puzzo (),

Introduction of Ordinance 13-06 entitled:

LEONIA SENIOR CITIZEN HOUSING ZONE

A motion was made by Councilperson Puzzo seconded by Councilperson Hawkins to approve on first reading Ordinance 13-06

Mayor Cherchi explained that the CFO has not had an opportunity to complete an analysis of the housing development. Councilman Puzzo inquired if the PILOT Program could be written into the Ordinance. Borough Attorney Giblin said it could not be done that way. Councilman Puzzo asked who was going to negotiate the PILOT the Borough Attorney reported he has been having discussions with the Attorney for the Housing Project.

Mr. Pumo urged the Governing Body to introduce the Ordinance. Mr. Pumo inquired why the process took so long to accomplish. The Borough Clerk explained the Ordinance had to go to surrounding municipalities the County and the Planning Board, which had 35 days to review the Ordinance. The Council discussed the Ordinance process with Mr. Pumo at great length. The public hearing on the Ordinance will be August 21, 2006. Councilwoman Mitrani questioned the parking. Borough Attorney Giblin explained this governed by

residential site improvement standards and will supersede whatever is in the ordinance.

ROLL CALL Councilperson Hawkins, Heveran, Mitrani, Raucci, Ryan, Puzzo voted yes Ordinance introduced.

At this point in time Council President Puzzo made a motion to extend the meeting until 10:30, seconded by Councilwoman Mitrani. All in favor.

UNFINISHED BUSINESS

- a.) Borough Hall Parking Lot – Councilwoman Heveran noted that spaces have been designated for the public to park when not doing Borough business.
- b.) Letter From LTA - Councilwoman Mitrani – Held until there is a Borough Administrator.
- c.) Letter Regarding Fuel Councilwoman Mitrani - would like the letter regarding fuel to be answered by the DPW Superintendent. The Borough Clerk will forward the letter to the Mr. Saitta and ask him to address in writing whatever aspects of the letter he can handle.
- d.) Donation of Borough Property – Mr. Giblin explained that the property was deeded legally to the Borough. Councilman Ryan asked if the Borough had to accept the property? Mr. Giblin stated no the Governing Body does not have to accept the property. Councilman Hawkins explained where the property is located. Mayor Cherchi stated that once he stops paying the taxes the Borough would eventually own the property and after 3 years we could claim the property. Mr. Giblin will tell the owner we will decline the offer.
- e) 604 Main Street. Fort Lee - Mayor Cherchi suggested that we have an Attorney at the meeting of the Fort Lee Board of Adjustment and object to this building. The building is very much out of scale with everything in the area. Councilman Hawkins noted that Leonia maybe called upon to fight a fire from our own property and the Borough does not have equipment to service a building of 103.5 feet. Councilman Hawkins expressed other safety concerns for the lot. Mayor Cherchi inquired if Mr. Giblin was available to handle the representation of the Borough. Mr. Giblin noted that Fort Lee has different height requirements depending on the use. The FAR is different depending on the use, the height and the number of stories. Mr. Giblin would like to have engineer review the plans as well.
- f) Alcoholic Beverage Ordinance - Council President Puzzo asked Mr. Giblin to explain the ordinance. Mayor Cherchi asked why this is being considered. Councilman Puzzo explained this was prepared in conjunction with the issue Leonia Wine and Spirit and the Leonia Market. Mayor Cherchi expressed

concern about protecting one type of business from competition. Councilman Puzzo stated this is not protecting it from competition but competition right next door. Mayor Cherchi feels it is more important to have a viable grocery store than a liquor store. Mayor Cherchi feels you are blocking the market from making more money. Mr. Giblin stated the reason he was asked to draft it this was that the potential license holder falls just outside the 200' radius to the school when measured entrance to entrance. This would bring it in the prohibition of 200' because it is not measured entrance to entrance. The main reason for the ordinance was to keep the liquor license away from the school. Councilwoman Mitrani if it is for protection she is not interested in it. If it to help with the downtown and make it more vibrant then there is a point to it. Councilwoman Mitrani also feels there needs to be some regulation regarding the number of nail salons, hair salons and bank cannot be within 200' of each other this would ensure that businesses are cannibalizing each other than she could support the ordinance. Councilman Puzzo questioned Mr. Giblin if there was a problem with this concept. Mr. Giblin stated the Governing Body has a lot of latitude over alcoholic beverages and Zoning. The Governing Body does not have the authority to say you cannot have two hair salons or restaurants next to each other. The Ordinance would probably not stand up in court. Councilwoman Mitrani questioned when the issue of the liquor license came up for discussion was it 200' from the school or entrance to entrance. Mr. Giblin stated entrance to entrance. Councilman Hawkins feels that it should be for the protection of the children not for protecting another store. The Council was split on introducing the ordinance. Mayor Cherchi agreed that the ordinance not be introduced. Mr. Giblin stated that any member of the Council can make a motion and it can be seconded for introduction.

- g) Alternate on Recreation Commission – Councilman Hawkins noted that there are two alternate positions on the Recreation Commission and neither of them was filled properly. Councilman Hawkins would like to appoint an individual as Alternate I. Mayor Cherchi stated he disagreed with the Borough Attorney's interpretation regarding the appointment of an Alternate to the Recreation Commission. Mr. Giblin noted that there is a different procedure for appointing alternates to the Commission than appointing regular members. Mr. Giblin read the statute. Councilman Hawkins proposed that the Alternate position is not filled. Mr. Giblin stated that the position has been vacant now for more than 30 days. Councilman Hawkins made a nomination to appoint Brenna Mahoney to the position of Alternate. Councilman Puzzo seconded the nomination. Councilwoman Mitrani asked shouldn't there be more nominations? Mr. Giblin explained there can be more than one person nominated and each would be voted on separately. Councilwoman Mitrani nominated Rita Tesar. Councilman Hawkins explained why he nominated Ms. Mahoney as an alternate member of the Recreation Commission.

Council President Puzzo made a motion to extend the meeting for another ten minutes, seconded by Councilwoman Heveran. Councilman Ryan voted no the rest of the Council voted yes.

Councilwoman Mitrani explained why she nominated Ms. Tesar as alternate member of the Recreation Commission.
Councilwoman Mitrani made a motion to nominate Rita Tesar, Seconded by Councilman Ryan.

Councilman Ryan made a motion to close nominations, seconded b Councilman Puzzo. All in favor none opposed.

Brenna Mahoney

Hawkins, Heveran, Raucci, Puzzo voted yes
Ryan, Mitrani voted no

NEW BUSINESS

- a) Ulbrich House (Councilwoman Mitrani)
 - b) Noise on Spring Street (Councilwoman Heveran)
 - c) Donation of Pews for Court (Councilwoman Heveran)
- Held until the meeting of the August 7, 2006

CORRESPONDENCE

The Council discussed the letter from Ann Brown regarding the paving of Broad Avenue in the area of Lakeview Park and replacing sidewalks near the park. in the area of Lakeview Park and replacing sidewalks near the park.

COMMENTS FROM THE PUBLIC

None

CLOSED SESSION (Resolution J)

A motion was made by Councilperson Puzzo to go into Closed Session, seconded by Councilperson Heveran. All in favor none opposed.

The meeting was called back to open session and Resolution 06-198 was presented to the governing Body.

Resolution 06-198 – Council President Puzzo made a motion to approve Resolution06-198 seconded by Councilwoman Heveran. Roll call vote; Councilpersons Hawkins, Heveran, Mitrani, Raucci and Puzzo voted yes. Councilman Ryan voted. Resolution approved.

411 A motion was made by Councilperson Puzzo to adjourn seconded by
412 Councilperson Hawkins. All in favor none opposed.

413
414 There being no further business of the before the Council the meeting was
415 adjourned at 11:15pm.

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417
418 Respectfully submitted,

419
420
421 Frances Lehmann
422 Borough Clerk